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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,591	10/27/2003	Heimo Hartlieb	P2001,0304	3498
24131	7590	02/08/2006	EXAMINER	
LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			GEIB, BENJAMIN P	
			ART UNIT	PAPER NUMBER
			2181	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,591	<b>Applicant(s)</b> HARTLIEB ET AL.	
	<b>Examiner</b> Benjamin P. Geib	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on see attached page.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/27/03, 05/03/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

10/27/2003, 01/15/2004, 02/09/2004, 12/28/2004, 01/25/2005, and 05/03/2005

### **DETAILED ACTION**

1. Claims 1-5 have been examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Application on 10/27/2003, Declaration on 01/15/2004, Letter on 02/09/2004, Change of Address 12/28/2004, Status Letter on 01/25/2005 and Information Disclosure Statement on 05/03/2005.

### ***Priority***

3. Receipt of papers submitted under 35 U.S.C. 119(a)-(d) is acknowledged; the papers have been placed on record in the file. The certified copies of 10120522.8 and PCT/DE02/01442, filed on 04/26/2001 and 04/18/2002, respectively, have been received and placed on record.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Raje, U.S. Patent No. 5,881,260.

6. Referring to claim 1, Raje has taught a method for identifying a correct command entry address, the method which comprises:

providing each one of a plurality of short command words with a first start bit having a predetermined value *[Each instruction that is a word long (i.e. short command word) is provided a first start bit having a value of one; See column 5, lines 19-33, ]*;

providing each one of a plurality of long command words with the first start bit having the predetermined value and with a second start bit having a predetermined value *[Each instruction that is longer than a word (i.e. long command word) is provided a first start bit having a value of one and a second start bit having a value of zero; See column 5, lines 19-33]; and*

outputting a signal (*PCL Signal*) from a checking apparatus (*NEXTPC logic block; Fig. 4, component 250*) if a command entry address (*PC*) is not correct *[If the command entry address (PC) is not correct, the PCL signal will be output to indicate this situation to the NEXTPC logic; See column 6, line 45 – column 7, line 49 and Fig. 4].*

7. Referring to claim 2, Raje has taught the method according to claim 1, which further comprises:

outputting a signal (*PCL Signal*) from the checking apparatus (*NEXTPC logic block; Fig. 4, component 250*) if an intended entry point is the second start bit *[If the intended entry point is the second start bit, the PCL signal will be output to indicate this situation to the NEXTPC logic; See column 6, line 45 – column 7, line 49 and Fig. 4].*

8. Referring to claim 3, Raje has taught the method according to claim 2, which further comprises:

providing each one of the plurality of long command words with a first command word half having a beginning and a second command word half having a beginning *[Each long command word (i.e. instruction that is longer than a word) has a length that is a multiple of a word (i.e. word half). Therefore, each long command word has at least a first and second command word half; See column 5, lines 19-33 and Fig. 2];*

configuring the first start bit at the beginning of the first command word half *[The first start bit is at the beginning of the first command word half (i.e. word); See column 5, lines 19-33 and Fig. 2];* and

configuring the second start bit at the beginning of the second command word half *[The second start bit is at the beginning of the second command word half (i.e. word); See column 5, lines 19-33 and Fig. 2].*

9. Referring to claim 4, Raje has taught the method according to claim 3, which further comprises:

providing the value of the second start bit as an inverse of the value of the first start bit *[The first start bit has a value of one and the second start bit has a value of zero, which is the inverse of one; See column 5, lines 19-33 and Fig. 2].*

10. Referring to claim 5, Raje has taught the method according to claim 2, which further comprises:

providing the value of the second start bit as an inverse of the value of the first start bit *[The first start bit has a value of one and the second start bit has a value of zero, which is the inverse of one; See column 5, lines 19-33 and Fig. 2].*

***Conclusion***

11. The following is text cited from 37 CFR 1.111(c): In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumar et al., U.S. Patent No. 5,933,850, teaches logic to determine the next instruction address in a system with variable length instructions.

Sato et al., U.S. Patent No. 5,488,710, teaches circuitry for fetching variable length instructions.

Nevill, U.S. Patent No. 5,758,115, teaches circuitry for fetching variable length instructions.

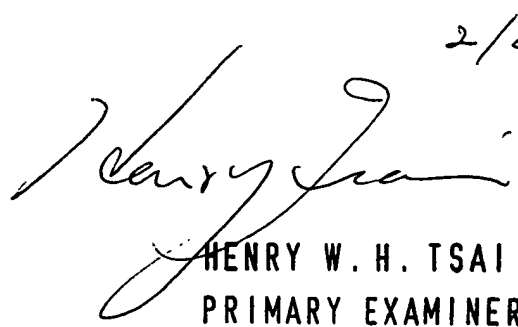
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin P. Geib whose telephone number is (571) 272-8628. The examiner can normally be reached on Mon-Fri 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2181

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin P Geib  
Examiner  
Art Unit 2181

2/4/05  
  
HENRY W. H. TSAI  
PRIMARY EXAMINER